

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Irrigation and C.A.D. Department – A.P.E.S. – Certain allegations against Sri A. Venkateswarlu, the then Executive Engineer, Drainage Division, Machilipatnam (now retired) – Departmental Enquiry concluded by imposing a penalty of 50% cut in pension permanently against Sri A. Venkateswarlu, Executive Engineer (Retd.) – Cancellation of punishment orders to comply with the orders of Hon'ble A.P.A.T. dated 25.06.2013 in C.A.No.49/2011 in O.A.No.10567/2002 – Orders – Issued.

IRRIGATION & COMMAND AREA DEVELOPMENT (SER.IV) DEPARTMENT

G.O.Ms.No. 68

**Dated:08.07.2013.
Read the following:**

- 1) G.O.Ms.No.466, Irrigation and C.A.D. Department, dated 14.10.1986.
- 2) From the A.P.A.T. orders dated 01.08.1996 in the R.P.No.19550/89.
- 3) From Sri A. Venkateswarlu, Executive Engineer (Retd.) reply dated 30.09.1997.
- 4) From the A.P.A.T. orders dated 30.09.1997 in M.A.No.326/97 in R.P.No.19550/89 with M.A.No.590/97.
- 5) G.O.Ms.No.57, Irrigation and C.A.D. (Services-II-2) Department, dated 20.03.1998.
- 6) From the A.P.A.T. orders dated 04.06.2010 in O.A.No.10567 of 2002.
- 7) From Sri A. Venkateswarlu, Executive Engineer (Retd.) representation, dated 22.06.2010.
- 8) From the Hon'ble A.P.A.T. Notice dated 2.2.2011 in C.A.No.49/2011 in O.A.No.10567/2002 filed by Sri A. Venkateswarlu, Executive Engineer (Retd.).
- 9) G.O.Ms.No.123, Irrigation and C.A.D. (Services-IV) Department, dated 04.12.2010.
- 10) From the Hon'ble A.P.A.T. orders dated 28.11.2012 in CMA No.247/2012 in C.A.No.49/2011 in O.A.No.10567/2002.
- 11) From the Hon'ble A.P.A.T. orders dated 25.06.2013 in C.A.No.49/2011 in O.A.No.10567/2002.

ORDER:-

In the G.O. 1st read above, orders were issued by imposing a penalty of 50% cut in pension permanently on Sri A. Venkateswarlu, Executive Engineer (Retd.) for certain grave irregularities committed by him in purchase of spares and placing the work orders while he was working as Executive Engineer, Drainage Division, Machilipatnam.

2. Aggrieved by the above orders, the retired Executive Engineer has filed R.P.No.19550 of 1989 in A.P. Administrative Tribunal. The Hon'ble A.P.A.T. in its orders 2nd read above, while setting aside the orders issued in G.O. 1st read above has directed to furnish a copy of the Enquiry Officer's report to the retired Executive Engineer, besides, examination and cross examination of witnesses, if any, and ordered to pass appropriate orders.

3. In compliance with the A.P. Administrative Tribunal's orders 2nd and 4th read above, the Enquiry Officer's report was re-examined keeping in view the Accused Officer's explanation on each count and revised orders were issued in the G.O. 5th read above by imposing a penalty of 50% cut in pension permanently on Sri A. Venkateswarlu, Executive Engineer (Retd.).

(PTO)

4. Aggrieved by the above orders, Sri A. Venkateswarlu, Executive Engineer (Retd.) has again filed O.A.No.10567 of 2002 before the A.P. Administrative Tribunal. The Hon'ble A.P. Administrative Tribunal in its order in O.A.No.10567 of 2002, dated 04.06.2010 while set asideing the impugned orders in G.O.Ms.No.57, Irrigation and C.A.D. (Ser.II-2) Department, dated 20.03.1998 as confirmed in Memo.No.37287/Ser.II(2)/98-3, dated 22.03.1999 has directed the applicant to make a representation to the respondents regarding his grievance and also directed the respondents to pass appropriate orders within a period of (3) months.

5. In accordance with the direction of Hon'ble A.P.A.T., Sri A. Venkateswarlu, Executive Engineer (Retd.) has submitted a representation vide reference 7th read above, requesting to restore the full pension, as the Hon'ble Tribunal set aside the G.O.Ms.No.57, Irrigation and C.A.D. (Ser.II-2) Department and Memo.No.37287/Ser.II(2)/98-3, dated 22.03.1999.

6. The representation of Sri A. Venkateswarlu, Executive Engineer (Retd.), it has been carefully examined by the Government. In the reference 9th read above, orders were issued by imposing a penalty of 50% cut in pension permanently on Sri A. Venkateswarlu, Executive Engineer (Retd.) as no grounds were apparent on record to consider the plea afresh of Sri A. Venkateswarlu, Executive Engineer (Retd.) for restoration of full pension. Based on these orders, the C.A.No.49/2011 in O.A.No.10567/2002 filed by Sri A. Venkateswarlu, Executive Engineer (Retd.) was closed by the Hon'ble A.P.A.T. vide its orders dated 31.07.2012.

7. Sri A. Venkateswarlu, Executive Engineer (Retd.) has filed Contempt application in C.A. No. 49/2011 in O.A. 10567/2002 before the Hon'ble A.P.A.T., Hyderabad vide reference 10th read above.

8. Sri A. Venkateswarlu, Executive Engineer (Retd.) has again filed CMA No.247/2012 in CA No.49/2011 in O.A.No.10567/2002 praying to reopen the CA. The Hon'ble APAT in its order dated 28.11.2012 has observed that when the impugned order in G.O.Ms.No.57, Irrigation & CAD (Ser.II) Department dated 20.3.1998 was set aside by the Tribunal, when no liberty was given to the respondents to pass further orders imposing punishment on the applicant by passing orders in G.O.Rt.No.123, Irrigation & CAD (Ser.IV) Department, dated 4.12.2010 is contrary to the orders passed by the Tribunal. Accordingly the Tribunal has allowed the CMA and reopened the CA No.49/2011.

9. In the reference 11th read above, the Hon'ble A.P.A.T. in its order dated 25.06.2013 has directed the respondent – Government to restore the pension of Sri A. Venkateswarlu, Executive Engineer (Retd.) in view of setting aside the punishment order in O.A.No.10567/2002 and report compliance by 09.07.2013.

10. In pursuance of the orders of Andhra Pradesh Administrative Tribunal, Hyderabad in the reference 11th read above and after careful examination of the entire matter, it has been decided to implement the orders of the Hon'ble A.P.A.T. dated 25.06.2013 in C.A.No.49 of 2011 in O.A.No.10567/2002 by canceling the earlier orders issued in the reference 10th read above. Accordingly Government hereby cancelled the orders issued in G.O.Ms.No.123, Irrigation & C.A.D (Ser.IV) Department, dated 04.12.2010.

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11. The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad is, therefore directed to implement the orders of the Hon'ble Tribunal in the reference 11th read above and report compliance to the Hon'ble Tribunal as well as to the Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri A. Venkateswarlu, Executive Engineer (Retd.) 16-2-147/B/3, New Malakpet, Hyderabad through the Engineer-in-Chief (A.W.), Irrigation and C.A.D. Department, Hyderabad.

Copy to:-

The Engineer-in-Chief (A.W.), Irrigation and C.A.D. Department, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The Government Pleader for Irrigation & C.A.D Department (Services), A.P.A.T., Hyderabad.

The Irrigation & C.A.D. (Ser.II) Department, A.P. Secretariat, Hyderabad. (for necessary action)

SF/SC.

// FORWARDED ;; BY ORDER //

SECTION OFFICER